

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

SUPERSEDED INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Superseding Indictment, Fiesta Mart, L.L.C. was a supermarket chain headquartered in Houston, Texas. Fiesta Mart, L.L.C. operated numerous supermarkets in the Houston, Texas area, as well as in other locations throughout Texas. As part of operating their business, Fiesta Mart, L.L.C. engaged in the sale and purchase of commodities throughout the United States and outside of the United States, all of which affected interstate and foreign commerce.

COUNT ONE
(Illegal reentry of removed alien)

On or about October 20, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendant,

JOSE LUIS REYES-MARTINEZ,

an alien who had been denied admission, excluded, deported, and removed, and had departed the

United States while an order of exclusion, deportation and removal was outstanding, entered, attempted to enter, and was found in the United States, having not obtained the consent of the Attorney General of the United States to reapply for admission into the United States prior to March 1, 2003 and having not obtained consent from the Secretary of the Department of Homeland Security to reapply for admission into the United States on or after March 1, 2003.

In violation of Title 8, United States Code, Section 1326.

COUNT TWO
(Interference with Commerce by Robbery)

On or about September 9, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendant,

JOSE LUIS REYES-MARTINEZ,

did unlawfully obstruct, delay and affect, and attempt to unlawfully obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant did unlawfully attempt to take and obtain personal property, consisting of United States currency, which was in the possession and custody of D.C., an employee of a Fiesta Supermarket located at 11006 Airline Drive, Houston, Texas 77060, which was owned and operated by Fiesta Mart, L.L.C., against D.C.'s will by means of actual and threatened force, violence, and fear of injury, immediate and future, to D.C.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

(Using and brandishing a firearm during and in relation to a crime of violence)

On or about September 9, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendant,

JOSE LUIS REYES-MARTINEZ,

did knowingly use and brandish a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the crime of interference with commerce by robbery as set forth in Count Two above and adopted herein.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT FOUR

(Taking a motor vehicle by force and violence)

On or about September 9, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendant,

JOSE LUIS REYES-MARTINEZ,

with the intent to cause death and serious bodily harm, did intentionally take a motor vehicle, namely, a gray 2013 Toyota Sienna minivan that had been transported, shipped, and received in interstate and foreign commerce, from the person and presence of another, namely, B.V., by force and violence and by intimidation.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT FIVE

(Using and brandishing a firearm during and in relation to a crime of violence)

On or about September 9, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendant,

JOSE LUIS REYES-MARTINEZ,

did knowingly use and brandish a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the crime of taking a motor vehicle by force and violence, as set forth in Count Four above and adopted herein.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the United States of America hereby gives notice that upon conviction of the offense of using and brandishing a firearm during and in relation to a crime of violence, as charged in Counts Three and Five above, all firearms and ammunition involved or used in the commission of either of these offenses are subject to forfeiture.

A TRUE BILL

Original Signature on File

GRAND JURY FOREPERSON

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY

Lisa M. Collins

LISA M. COLLINS
ASSISTANT UNITED STATES ATTORNEY